

COMMISSION ON JUDICIAL PERFORMANCE
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**JUDICIAL PERFORMANCE COMMISSION CLOSES INVESTIGATION OF
JUDGE GEORGE J. ABDALLAH, JR., AND JUDGE MARK R. FORCUM;
NO IMPROPRIETY FOUND**

On November 17, 2005, the Commission on Judicial Performance issued an order staying its proceedings in a judicial disciplinary proceeding entitled *Inquiry Concerning Judge Diana R. Hall* (No. 175). The previous day, a document entitled Declaration of Crystal Powser had been filed in the Monterey County Superior Court in an action entitled *Forte v. O'Farrell*, case No. 72599. In that declaration, Ms. Powser alleged that she had met privately on the evening of November 15, 2005, in Ventura with Judge Michael S. Fields of the Monterey County Superior Court who was then presiding as a special master over the *Hall* inquiry. The Powser declaration alleged that Judge Fields had discussed various aspects of the *Hall* inquiry with Ms. Powser and, specifically, that Judge Fields told her that he had discussed the case with the other two judges presiding over the matter and that "they had already decided she [Judge Hall] was guilty of all three allegations." The two other judges presiding over the *Hall* inquiry were Judge George J. Abdallah, Jr., of the San Joaquin County Superior Court and Judge Mark R. Forcum of the San Mateo County Superior Court. At the time of Ms. Powser's alleged meeting with Judge Fields, the hearing on the *Hall* inquiry before the masters had not been completed.

On December 15, 2005, the commission petitioned the California Supreme Court for an order relieving the special masters of their assignment and requesting the appointment of new special masters to commence a de novo hearing in the *Hall* inquiry. On January 5, 2006, the Supreme Court issued an order vacating its earlier order appointing Judges Fields, Abdallah and Forcum to preside as masters in the *Hall* inquiry and indicating that it would select and appoint new masters to preside in that matter. On February 9, 2006, the Supreme Court appointed new masters who conducted a de novo hearing and reported their findings to the commission. On November 12, 2006, the commission issued its decision and order removing Judge Hall from office.

The Commission on Judicial Performance has investigated the allegations set forth in the Powser declaration involving Judge Abdallah and Judge Forcum, including the allegation that they had prejudged the issues in the *Hall* inquiry. The commission's investigation revealed no impropriety on the part of those judges in their handling of the

Hall inquiry. Accordingly, the commission has closed its investigation of Judge Abdallah and Judge Forcum without any disciplinary action.

Although commission investigations are confidential, the California Constitution permits the commission to make explanatory statements. Commission rule 102(d) also permits the commission to issue a statement of clarification and correction when public reports concerning a commission proceeding result in substantial unfairness to the judge involved in the proceeding. The allegations in the Powser declaration, the stay of the *Hall* proceedings, the commission's petition to the Supreme Court to relieve the special masters in the *Hall* inquiry and the Supreme Court's order vacating the appointment of Judges Fields, Abdallah and Forcum all were the subject of considerable publicity. In light of those public reports, the commission determined to issue this statement.

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The Commission is composed of three judges, two lawyers, and six public members. The Chairperson is Marshall B. Grossman, Esq., of Los Angeles, California.